

## **Exhibit A**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
JESUS VARGAS,

Plaintiff,

-against-

LEONARDO RODRIGUEZ and FEDERAL EXPRESS  
CORP.,

Defendants.  
-----X

22230-06  
Index No.:  
Date Purchased  
**SUMMONS**

Plaintiff designates Bronx  
County as the place of trial.

The basis of venue is:  
Plaintiff's residence

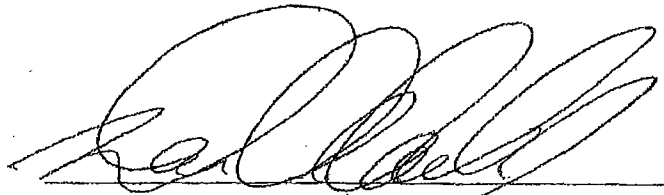
Plaintiff resides at:  
854 Horatio Avenue  
Apt. 2B  
Bronx, NY 10474  
County of Bronx

RECEIVED  
JUL 13 2006  
CLERK OF COURT

**To the above named Defendants:**

**You are hereby summoned** to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
October 17, 2006



DON A. CARLOS, JR., ESQ.  
Attorneys for Plaintiff(s)  
JESUS VARGAS  
352 Seventh Avenue, Suite 1500  
New York, New York 10001  
(212) 631-7442

TO:

LEONARDO RODRIGUEZ  
414 E. 204th Street  
Apt. 9J  
Bronx, NY 10467

FEDERAL EXPRESS CORP.  
900 Midlantic Drive  
Mount Laurel, NJ 08054

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.: 22230-06  
Date Purchased:

JESUS VARGAS,

VERIFIED COMPLAINT

Plaintiff,

-against-

LEONARDO RODRIGUEZ and FEDERAL EXPRESS  
CORP.,

Defendants.

Plaintiff, by his attorneys, **DON A. CARLOS, JR., ESQ.**, complaining of the Defendants, respectfully alleges, upon information and belief:

1. At all times herein mentioned, Plaintiff **JESUS VARGAS** was, and still is a resident of the County of Bronx, State of New York.
2. At all time herein mentioned, Defendant **FEDERAL EXPRESS CORP.** was, and still is a domestic business corporation duly organized and existing under and by virtue of the laws of the State of New York.
3. At all time herein mentioned, Defendant **LEONARDO RODRIGUEZ** was, and still is a resident of the County of Bronx, State of New York.
4. At all times herein mentioned, and on October 23, 2003, Defendant **FEDERAL EXPRESS CORP.** owned a motor vehicle bearing New York license plate number 18271AB.
5. At all times herein mentioned, and on October 23, 2003, Defendant **LEONARDO RODRIGUEZ** operated the aforesaid motor vehicle.
6. At all times herein mentioned, and on October 23, 2003, Defendant **LEONARDO RODRIGUEZ** operated the aforesaid motor vehicle with the permission of its owner, Defendant **FEDERAL EXPRESS CORP.**
7. At all times herein mentioned, and on October 23, 2003, Defendant **LEONARDO**

**RODRIGUEZ** operated the aforesaid motor vehicle with the knowledge of its owner, Defendant **FEDERAL EXPRESS CORP.**

8. At all times herein mentioned, and on October 23, 2003, Defendant **LEONARDO RODRIGUEZ** operated the aforesaid motor vehicle with the consent of its owner, Defendant **FEDERAL EXPRESS CORP.**

9. At all times herein mentioned, and on October 23, 2003, Defendant **LEONARDO RODRIGUEZ** operated said motor vehicle bearing license plate number 18271AB, NY within the scope of his employment with Defendant **FEDERAL EXPRESS CORP.**

10. At all times herein mentioned, and on OCTOBER 23, 2003, Defendant **FEDERAL EXPRESS CORP.** maintained the aforesaid motor vehicle.

11. At all times herein mentioned, and on October 23, 2003, Defendant **LEONARDO RODRIGUEZ** maintained said motor vehicle.

12. At all times herein mentioned, and on October 23, 2003, Defendant **FEDERAL EXPRESS CORP.** managed the aforesaid motor vehicle.

13. At all times herein mentioned, and on October 23, 2003, Defendant **LEONARDO RODRIGUEZ** managed the aforesaid motor vehicle.

14. At all times herein mentioned, and on October 23, 2003, Defendant **FEDERAL EXPRESS CORP.** controlled the aforesaid motor vehicle.

15. At all times herein mentioned, and on October 23, 2003, Defendant **LEONARDO RODRIGUEZ** controlled the aforesaid motor vehicle.

16. That on October 23, 2003, Hunts Point Avenue at or near its intersection with Garrison, County of Bronx, State of New York, were public thoroughfares.

17. That on October 23, 2003, Defendant **LEONARDO RODRIGUEZ** operated and controlled said motor vehicle at or about the above-mentioned location.

18. That on October 23, 2003, Plaintiff **JESUS VARGAS** was a lawful pedestrian at the above-mentioned location.

19. That on October 23, 2003 at the aforementioned location, the motor vehicle owned by **FEDERAL EXPRESS CORP.** and operated by Defendant **LEONARDO RODRIGUEZ** came into contact with the Plaintiff **JESUS VARGAS** at the above-mentioned location.

20. That as a result of the aforesaid contact, Plaintiff **JESUS VARGAS** was injured.

21. That the above-stated occurrence and the results thereof were in no way due to any negligence on the part of the Plaintiff contributing thereto, but were caused by the joint, several and/or concurrent negligence of the Defendants and/or said Defendants' agents, servants, employees and/or licensees in the ownership, operation, management, maintenance and control of their said motor vehicle.

22. Defendants were negligent, careless and reckless in the ownership, management, maintenance, supervision and control of their aforesaid vehicle and Defendants were otherwise negligent, careless and reckless under the circumstances then and there prevailing.

23. That Plaintiff **JESUS VARGAS** sustained serious injuries as defined by 5102(d) of the Insurance Law of the State of New York and loss greater than basic economic loss as defined by 5104 of the Insurance Law of the State of New York.

24. That this action falls within one or more of the exceptions set forth in CPLR 1602.

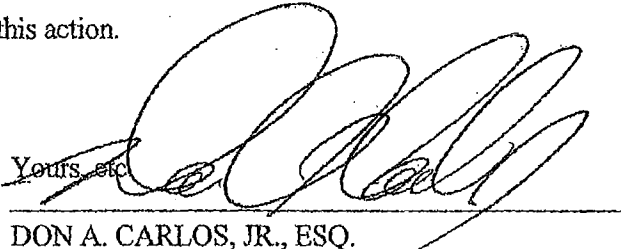
25. That by reason of the foregoing, Plaintiff **JESUS VARGAS** was damaged in a sum

which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**WHEREFORE**, Plaintiff(s) demand(s) judgment against the Defendants herein, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: New York, New York  
October 17, 2006

Yours, etc.



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DON A. CARLOS, JR., ESQ.  
Attorneys for Plaintiff(s)  
JESUS VARGAS  
352 Seventh Avenue, Suite 1500  
New York, New York 10001  
(212) 631-7442

**ATTORNEY'S VERIFICATION**

**DON A. CARLOS, JR.**, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at **DON A. CARLOS, JR., ESQ.**, attorneys of record for Plaintiff(s),

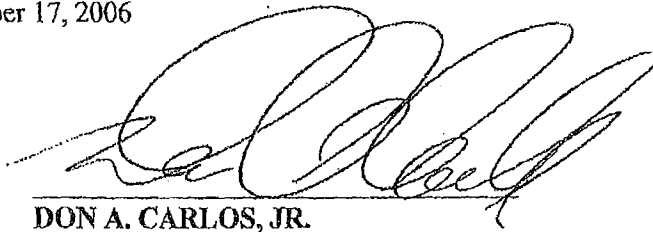
**JESUS VARGAS**. I have read the annexed

**COMPLAINT**

and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason this verification is made by me and not Plaintiff(s) is that Plaintiff(s) is/are not presently in the county wherein the attorneys for the plaintiff(s) maintain their offices.

DATED: New York, New York  
October 17, 2006



**DON A. CARLOS, JR.**